

REMARKS

Claims 1-28 are pending in the present application. Claims 27 and 28 have been added.

In the Restriction Requirement mailed May 14, 2005, the Examiner required restriction of one of the following inventions:

Group I, claims 1-8, drawn to a sense amplifying circuit comprising a selecting unit for selecting one pair of signals in response to a selection signal and an inverted selection signal;

Group II, claims 16-22, drawn to a sense amplifying circuit comprising a selecting unit for selecting one pair of signals in response to a first level of a clock signal, a selection signal and an inverted selection signal; or

Group III, claims 23-26, drawn to an apparatus and method for “selecting a signal pair from at least two signal pairs” and “amplifying only the signal pair selected from said at least two pairs”.

Initially, Applicant respectfully notes that claims 9-15 are not included in the groups listed above. Further, Applicant respectfully notes that the Restriction Requirement mailed July 14, 2005 mistakenly identifies claim 22 as corresponding with Group II instead of Group I.

In response to the Examiner’s Restriction Requirement discussed above, Applicant provisionally elects, with traverse, Group I, including claims 1-8 and respectfully submits that claims 9-15 and 22 should have been included in Group I. Further, Applicant respectfully traverses the Restriction Requirement as detailed below.

First, the Restriction Requirement mailed July 14, 2005 merely includes the conclusory statement that the “application contains claims directed to the following patentably distinct species of the claimed invention” and recites claim language without

stating any basis whatsoever in support of the quoted conclusory statement. This is in violation of MPEP § 816, which states the following:

The particular reasons relied on by the examiner for holding the inventions as claimed are either independent or distinct should be concisely stated. A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given.

In the absence of the basis for the restriction, it is respectfully submitted that the USPTO clearly has not carried forward its burden of proof to establish distinctness.

Second, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicant respectfully submits that the claims of the present invention appear to be part of an overlapping search area.

Further, Applicants respectfully note that independent claim 16 of Group II includes the features of independent claim 1, and new dependent claims 27 and 28 illustrate the close relationship between the Group III and Group I.

CONCLUSION

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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